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Patent

Attorney's Docket No. 005699-512

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Patent Application of )  
David L. WATERBURY *et al.* ) Group Art Unit: 1617  
Application No.: 10/043,659 ) Examiner: San Ming R. Hui  
Filed: January 8, 2002 ) Confirmation No.: 5999  
For: USE OF ARYL NITRONE )  
COMPOUNDS IN METHODS FOR )  
TREATING NEUROPATHIC PAIN )

**STATEMENT UNDER 35 U.S.C. §103(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit that at the time the present invention (Application No. 10/043,659) was made, U.S. Patent No. 6,342,523 (Waterbury *et al.*) and this application were each owned by or subject to an obligation of assignment to CENTAUR PHARMACEUTICALS, INC. Accordingly, U.S. Patent No. 6,342,523, does not qualify as prior art under 35 U.S.C. §102(e) with respect to the present application in a §103(a) rejection.

If there are any questions concerning this paper, or the application in general, the Examiner is invited to telephone the undersigned at his earliest convenience.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: G. Whitney Hapangama  
G. Whitney Hapangama  
Limited Recognition Under 37 C.F.R. §10.9(b)  
(See Attached Document)

P.O. Box 1404  
Alexandria, VA 22313-1404  
(703) 836-6620

Date: November 24, 2003



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**AMENDMENT/REPLY TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

[X] A Petition for Extension of Time is also enclosed.

[ ] A Terminal Disclaimer and the [ ] \$55.00 (2814) [ ] \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.

[X] Also enclosed are a Statement Under 35 U.S.C. §103(c) and a Limited Recognition Under 37 C.F.R. §10.9(b).

[ ] Small entity status is hereby claimed.

[ ] Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the [ ] \$385.00 (2801) [ ] \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).

[ ] Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.

[ ] Applicant(s) previously submitted \_\_\_, on \_\_\_, for which continued examination is requested.

[ ] Applicant(s) requests suspension of action by the Office until at least \_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

No additional claim fee is required.

An additional claim fee is required, and is calculated as shown below:

A M E N D E D C L A I M S					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims	35	MINUS 35 =	0	× \$18.00 (1202) =	\$0.00
Independent Claims	2	MINUS 3 =	0	× \$86.00 (1201) =	0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					
\$0.00					

A check in the amount of \$ \_\_\_\_\_ is enclosed for the fee due.

Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: G. Whitney Hapangama  
G. Whitney Hapangama  
Limited Recognition Under 37 C.F.R. §10.9(b)  
(See Attached Document)

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BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

G. Whitney Hapangama is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Burns, Doane, Swecker & Mathis LLP to prepare and prosecute patent applications in which the patent applicant is a client of Burns, Doane, Swecker & Mathis LLP, and the attorney or agent of record in the applications is a registered practitioner who is a member of Burns, Doane, Swecker & Mathis LLP. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) G. Whitney Hapangama ceases to lawfully reside in the United States, (ii) G. Whitney Hapangama's employment with Burns, Doane, Swecker & Mathis LLP ceases or is terminated, or (iii) G. Whitney Hapangama ceases to remain or reside in the United States on an H-1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: May 14, 2004

A handwritten signature in black ink that appears to read "Harry I. Moatz".

Harry I. Moatz  
Director of Enrollment and Discipline